

Notice of Allowability

Application No.

10/073,215

Examiner

Trenton J. Roche

Applicant(s)

HAGIWARA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed 6 October 2005.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This Office Action is responsive to communications filed 6 October 2005.
2. Per Applicants' request, amended claim 8 has been entered. Claims 1-17 are currently pending.
3. Claims 1-17 have been examined.

Response to Arguments

4. Applicants' arguments, see pages 8-11 of the Remarks, filed 6 October 2005, with respect to claims 1, 2, 4-12, 14, 15 and 17 have been fully considered and are persuasive. The rejection of claims 1, 2, 4-12, 14, 15 and 17 under 35 U.S.C. § 102(e) and the rejection of claims 3, 13 and 16 under 35 U.S.C. § 103(a) has been withdrawn.

EXAMINER'S AMENDMENT

5. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Stephen A. Becker, Reg. No. 26,527 on 1 February 2006.

The application has been amended as follows:

Claim 1:

Line 13, after "compressed code storing", "**potion**" has been changed to -- portion --.

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Line 17, after “compressed code storing”, **“potion” has been changed to -- portion --.**

Claim 6:

Line 20, after “compressed code storing”, **“potion” has been changed to -- portion --.**

Line 25, after “compressed code storing”, **“potion” has been changed to -- portion --.**

The Examiner's amendment was required to correct a word misspelling in the claim language and obviate any possible rejections under 35 USC § 112 1st or 2nd.

Allowable Subject Matter & Examiner's Statement of Reason(s) for Allowance

6. Claims 1-17 are allowed.
7. The following is an Examiner's statement of reasons for allowance:

The closest found prior art of record, specifically, U.S. Patent 5,794,049 to Lindholm, taken alone or in combination, fails to teach or reasonably suggest a device of executing a program described in a non-native code format of a prescribed language in accordance with independent claim 1. Specifically, Lindholm fails to teach ...*wherein said expanding portion expands a first compressed code stored in said compressed code storing portion, stores a first expanded code in said code storing portion and holds said first compressed code in said compressed code storing portion, after said interpreter portion interprets said first expanded code for execution, said expanding portion expands a second compressed code stored in said compressed code storing portion, overwrites a second expanded code on said first expanded code in said code storing portion and holds said second compressed code in said compressed code storing portion, and after said interpreter portion interprets said second expanded code for execution, said expanding portion expands said first compressed code stored in said*

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compressed code storing portion and overwrites said first expanded code on said second expanded code in said code storing portion. (claim 1). Similar limitations are recited in independent claim 6.

Instead, while Lindholm discloses the ability to compress and expand native and non-native code for interpretation by an interpreter, Lindholm does not disclose the ability to expand a compressed code and retain the compressed version of the code once expansion is completed. Indeed, Lindholm seems concerned with minimizing memory requirements on the system, and therefore keeps only one representation of code (either compressed or decompressed) in memory at one time; Lindholm does not leave a compressed version of the code when decompressing. In contrast, the instant application acknowledges benefits derived from the act of maintaining the compressed code portion even after decompression. Note pages 8-10 of the Remarks.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Trenton J. Roche whose telephone number is (571) 272-3733. The Examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trenton J Roche
Examiner
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TJR


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